

# Senate Study Bill 1164

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON KREIMAN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the time period for which peace officers'  
2 investigative reports and specific portions of electronic mail  
3 and telephone billing records are to be kept confidential.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2154XC 82  
6 rh/je/5

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1 1 Section 1. Section 22.7, subsection 5, Code 2007, is  
1 2 amended to read as follows:  
1 3 5. Peace officers' investigative reports, and specific  
1 4 portions of electronic mail and telephone billing records of  
1 5 law enforcement agencies if that information is part of an  
1 6 ongoing investigation, except where disclosure is authorized  
1 7 elsewhere in this Code. However, the date, time, specific  
1 8 location, and immediate facts and circumstances surrounding a  
1 9 crime or incident shall not be kept confidential under this  
1 10 section, except in those unusual circumstances where  
1 11 disclosure would plainly and seriously jeopardize an  
1 12 investigation or pose a clear and present danger to the safety  
1 13 of an individual. Specific portions of electronic mail and  
1 14 telephone billing records may only be kept confidential under  
1 15 this subsection ~~only for as long as if the length of time~~  
1 16 ~~prescribed for commencement of prosecution or the finding of~~  
1 17 ~~an indictment or information under the statute of limitations~~  
1 18 ~~would have run on a respective applicable to the crime that is~~  
1 19 ~~under investigation has not expired.~~

### EXPLANATION

1 20  
1 21 This bill specifies that certain peace officers'  
1 22 investigative reports and specific portions of electronic mail  
1 23 and telephone billing records of law enforcement agencies, if  
1 24 part of an ongoing investigation, may only be kept  
1 25 confidential under Iowa's open records law if the length of  
1 26 time prescribed for commencing prosecution or the finding of  
1 27 an indictment or information under the statute of limitations  
1 28 applicable to the crime that is under investigation has not  
1 29 expired, consistent with language in Code chapter 802  
1 30 (limitation of criminal actions) concerning statutory  
1 31 limitation periods for certain criminal actions.  
1 32 LSB 2154XC 82  
1 33 rh:nh/je/5